

Remarks

Applicants have amended the claims to expedite prosecution of a preferred embodiment. By the amendments, Applicants do not intend to abandon their rights to any cancelled matter and specifically reserve the right to pursue any such matter in claims of continuing applications.

Specifically, claim 1 has been amended to insert step indicators (a) – (c), and the word “and” between the steps (b) and (c). Applicants have also amended the spelling out of the term HCIC to include the term “induction.” These amendments are clerical and typographical and thus do not introduce new matter. Claims 9 has been amended to indicate that the fraction is “obtained” from the separation step. This amendment also is clerical and thus does not introduce new matter. Claim 11 has been amended to delete the phrase “functional derivative.” Deletion of this term does not introduce new matter. Claims 16 and 18 have been amended to delete the term “about.” Deletion of this term does not add new matter. Claims 13-14 have been cancelled without prejudice. Claims 21-45 have also been cancelled without prejudice.

Accordingly, Applicants respectfully request that the amendments be entered.

Applicants have added new claim 46. Support for this claim can be found, for example at page 6, lines 19-20 of the specification. Accordingly, Applicants respectfully request that the new claim be entered.

Applicants now turn to the specific rejections.

The Examiner rejected claims 1-20 and 42-45 as allegedly not complying with 35 U.S.C. 112, first paragraph, written description requirement. Specifically, the Examiner contended that the specification does not disclose a sufficient number of different variants for HCIC resins and organic solvents used in the claimed method.

Applicants respectfully disagree and submit that the rejection be withdrawn for the following reasons.

Applicants respectfully submit that what is well known in the art does not have to be described in the specification. (MPEP 2163, II, A2). It is well known to a skilled artisan that Burton was the first to describe and name the Hydrophobic Charge Induction Chromatography (HCIC) (Burton et al., also cited by the Examiner as “Art of Record” in the March 6, 2008 Office Action). Thus a skilled artisan, at the time of filing the present application, was well aware that HCIC is based on the pH-dependent behavior of a dual-mode, ionizable ligand, and that the ligand contains structural features to support hydrophobic binding (see, e.g., Schwartz et al.,

attached herewith as Exhibit A). Based on this description, a skilled artisan would have known what different variations of the resin and solvents would be possible for variations of the general concept of HCIC.

Accordingly, Applicants respectfully submit that the claims fully comply with 35 U.S.C. 112, first paragraph, written description requirement, and that the rejection should be withdrawn.

The Examiner rejected claims 1-20 and 42-45 as allegedly not complying with 35 U.S.C. 112, second paragraph, definiteness requirement.

Specifically, the Examiner contended that the abbreviation HCIC did not correspond to the spelled out term. Applicants have amended claims as described, *supra*, and respectfully submit that the rejection has been obviated.

The Examiner also contended that in claims 2, 5 and 6 recites the limitation “step a)” in line 2, had insufficient antecedent basis for this limitation in the claim. Similarly, the Examiner contended that in claim 3 there was lack of antecedent basis for the “step c)”, and in claim 7 for “step b)”. Applicants have amended claims as described, *supra*, and respectfully submit that the rejection has been obviated.

The Examiner further contended that claim 9 is indefinite because of the use of the term “derived from”. Applicants have amended claim 9 as suggested by the Examiner to indicate that the fraction is “obtained from” the earlier step.

The Examiner contended that the term “functional derivative in claims 11 and 42 render the claims indefinite. To expedite prosecution, Applicants have deleted the term from claim 11. Claim 42 has been cancelled.

The Examiner alleged that the recitation to “about 94 fold” in claim 16 and “about 3.1 fold” in claim 18 lack insufficient antecedent basis. Applicants have amended claims 16 and 18 to delete the term “about.”

In view of the above, Applicants respectfully submit that claims 1-20 now fully comply with 35 U.S.C. 112, second paragraph, definiteness requirement and that the rejections should be withdrawn.

The Examiner also rejected claims 42 and 43 under 35 U.S.C. §102(b) as allegedly anticipated over Kim et al. (PNAS 97, 1190-1195, 2000, cited in the IDS).

To expedite prosecution of a preferred embodiment, Applicants have cancelled claims 42 and 43. Accordingly, the rejection has been rendered moot.

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The Examiner rejected claims 42 and 45 over WO01/04276 to Gerdy et al. and claims 42 and 44 over WO 99/02552 to Revel et al.

To expedite prosecution of a preferred embodiment, Applicants have cancelled claims 42 and 43. Accordingly, the rejection has been rendered moot.

In view of the foregoing, Applicants respectfully submit that all claims are in condition for allowance. Early and favorable action is requested.

Applicants believe no fees are currently due. In the event that any additional fees are required, the Commissioner is hereby authorized to charge our deposit account No. 50-0850. Any overpayments should also be deposited to said account.

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Respectfully submitted,

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